REMARKS

Claims 1-20 are pending in the present application. Claims 1, 12 and 19 are the independent claims. Claim 1 has been amended herein to more clearly recite the invention. No new matter was added. In the after final Official Action, dated January 10, 2006, claims 1-3, 5, 7 and 9-11 stand rejected under 35 U.S.C § 102 as allegedly anticipated by U.S. Patent No. 6,633,845 B1 (hereinafter "Logan"). Claims 4, 6 and 8 stand rejected under 35 U.S.C. § 103(a) over Logan in view of U.S. Patent Application Publication No. 2001/0018858 A1 (hereinafter "Dwek"). Claims 12-20 were rejected under 35 U.S.C § 102(e) as allegedly anticipated by U.S. Patent No. 6,657,116 (hereinafter "Gunnerson").

Rejection of Claims based on Logan

Claims 1-3, 5, 7 and 9-11 were rejected under 35 U.S.C § 102 as allegedly anticipated by Logan. The outstanding rejection based on Logan is respectfully traversed.

As described in connection with Applicants' Figure 5 in the specification, the techniques for aggregating DSP classified songs in a persistent data store in accordance with the invention begin at block 500 where a raw media entity database store is analyzed to identify raw media entities (generally a subset of the raw media entity database store) for DSP processing.

The Official Action states that Logan also performs such "identifying" by generally responding via various passages of Logan that the processing of a song, as disclosed by Logan, must necessarily include identifying the song.

However, Applicants' invention includes the identifying step (an active step on the part of the system, not mere receipt of a song as in Logan) for the reason that a cooperating

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data store, such as raw media data store 410, may be queried to identify media entity data in need of DSP processing in that cooperating data store. A check can then later be performed at block 560 to determine if there is additional data that requires DSP processing. If there is, processing reverts to block 510 and proceeds from there. However, if there is no additional data, the present invention sleeps for some specified time at block 570 and then reverts to block 500 to determine if there is media entity data in need of DSP processing.

In this way, Applicants have addressed the problem of the dynamic raw media entity database store that is changing its content, both songs and not songs, and some classified and some in raw format. By identifying the raw media entities in advance, repetitive or redundant processing of media entities is avoided. This is in clear contrast to a system such as Logan's, where each song or song segment (preferably the first half of the song according to Col. 3, lines 62-63) appears to be fed to the system for processing <u>one at a time</u>.

In this regard, Applicants have amended claim 1 herein to emphasize the above-described distinction by stating that the identifying step includes <u>identifying a plurality of raw media entities from a database</u>. No such intelligent identifying step can be found in Logan. Instead, with Logan:

> An audio input 210, which is preferably a song or a portion thereof, **is provided to the system 200**, as illustrated by arrow 212. As described herein the song is then processed by the various components of the system 200...
> See, e.g., Col. 3, lines 28-32 and Fig. 2

Accordingly, Logan cannot be said to teach or suggest "identifying media entity data for DSP processing including *identifying a plurality of raw media entities from a database*," as recited in claim 1.

Claims 2-11 depend from claim 1, and are believed allowable for the same reasons. Dwek was cited for reasons relating to the dependent claims, but fails to cure the above-

identified deficiency of root reference Logan with respect to independent claim 1.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-12 under 35 U.S.C.

§ 102 is respectfully requested.

Rejection of Claims based on Gunnerson

Claims 12-20 were rejected under 35 U.S.C § 102 as allegedly anticipated by

Gunnerson. In view of the Declaration re-submitted herewith under 37 CFR § 1.131 by

inventor Theodore Calhoun Tanner, Jr., Applicants respectfully submit that the subject matter

of the present application was invented prior to the effective date of Gunnerson, as defined in

that Section. Accordingly, Applicants respectfully request that Gunnerson be removed as an

applicable reference to the outstanding claims.

Applicants respectfully submit that the Declaration has been re-signed by inventor

Theodore Tanner in order to fix the typographical error made previously with respect to

inadvertently identifying the present application as "the '071 application" (instead of "the

'465 application").

Applicants are also unsure how the pages attached to the previously submitted

Declaration constituting evidence of such prior conception became missing from the present

record. Accordingly, Applicants resubmit those notebook pages herewith as well.

Reconsideration and withdrawal of the rejection to claims 12-20 under 35 U.S.C. § 102 is

thus earnestly requested.

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CONCLUSION

Applicants believe that the present reply is responsive to each of the points raised by the Examiner in the Office Action, and submit that Claims 1-20 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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